

REMARKS

The Objections to Claims 1, 2, 8 and 9

Applicants have revised claims 1, 2, 8 and 9 to address the objections listed in the Office Action.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1, 2, 8 and 9.

The Section 112 Rejections

Claims 10-12 and 14-17 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as the invention.

Applicants have amended claims 10-12 and 14-17 in order to remove any such indefiniteness.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 10-12 and 14-17.

The Section 102 Rejections

Claims 1 and 4-7 were rejected under 35 U.S.C. §102(e) as being anticipated by Bevan et al., U.S. Patent No. 6,489,923 ("Bevan"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention, including claims 1 and 4-7, require the determination of “the bearing of a received signal in accordance with the phase thereof.” It is respectfully submitted that Bevan does not disclose or suggest such a determination.

Bevan discloses such a technique for determining a direction of a moving mobile device. It has nothing at all to do with the determination of a bearing of a received signal in accordance with the phase thereof in order to determine a best signal path in a wireless communication system, as in the claims of the present invention. Said another way, the “bearing” information which is determined by the present invention is used to determine the best path to a substantially stationary or quasi-stationary transmitter; it is not used to determine the position of a particular mobile device.

In sum, Bevan does not disclose each and every element of claims 1 and 4-7. Accordingly, Applicants respectfully submit that Bevan cannot anticipate claims 1 and 4-7 of the present invention. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1 and 4-7.

The Section 103 Rejections

Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bevan in view of Schuchman et al., U.S. Patent No. 6,148,195 (“Schuchman”). In addition, claims 8-17, 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bevan in view of Borrás et al., U.S. Patent No. 5,303,240 (“Borrás”) and in further view of Sole et

al., U.S. Patent No. 6,150,987 ("Sole"). Finally, claims 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bevan in view of Borrás, in view of Sole and further in view of Schuchman. Applicants respectfully disagree and reverse these rejections for at least the following reasons.

Applicants note that each of these claims requires the determination of "the bearing of [a] received signal in accordance with the phase thereof." As indicated above, Bevan does not disclose or suggest such a feature. In addition, Applicants respectfully submit that none of the additional references discloses or suggests such a feature. Therefore, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine Bevan with any of the references because doing so would not result in a method as in claims 8-21, i.e., one that determines the bearing of a received signal in accordance with the phase thereof in order to determine a best path in a substantially stationary or quasi-stationary communications network.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 8-21.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

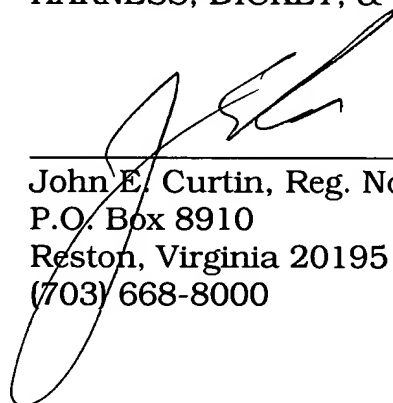
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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